

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**HARVEY KALAN, M.D., THE HARVEY
KALAN, M.D., INC. EMPLOYEE
WELFARE BENEFIT PLAN, PAMELA K.
ERDMAN, M.D., THE DE. PAMELA K.
ERDMAN, M.D., INC. EMPLOYEE
WELFARE BENEFIT PLAN, GRETCHEN
CASTELLANO, DR. MARTIN ZENNI,
DR. ELISSA ZENNI and THE M&E
ZENNI INC., WELFARE BENEFIT PLAN,
Plaintiffs,**

CIVIL ACTION

NO. 15-1435

v.

**FARMERS & MERCHANTS TRUST
COMPANY OF CHAMBERSBURG,
LAWRENCE KORESKO, KORESKO
FINANCIAL, LLP, FREEDOM
BROKERS, LLC, PENNMONT
BENEFITS, INC., DEON DANIEL,
LINCOLN NATIONAL CORPORATION,
SAMUELS, YOELIN KANTOR, LLP,
JEFFREY NIEMAN, LOCKE LORD
BISSELL & LIDDELL, LLP, ANDERSON
KILL & OLICK, P.C., CHAPLIN &
DRYSDALE, GATES HALBRUNER &
HATCH, CHRISTIE PARABUE MORTEN
& YOUNG, JEFFERSON GOVERNMENT
RELATIONS, THEODORE HOBSON,
BONNIE KORESKO and JOHN DOE
COMPANIES 1-50,
Defendants.**

ORDER

AND NOW, this 2nd day of June, 2016, upon consideration of Defendant Law Offices of Scott Alan Orth, P.A.'s ("SAO") Motion to Dismiss [ECF Nos. 187-88], Plaintiffs' Response in Opposition thereto [ECF No. 196], and Defendant's Reply in Support thereof [ECF No. 206], **IT IS HEREBY ORDERED:**

1. The motion is **GRANTED** as to Counts III (ERISA violations) and IV (aiding and abetting fiduciary breach); these counts are **DISMISSED WITH PREJUDICE**.
2. With respect to Count VII (fiduciary breach and malpractice), the motion is **DENIED**.

BY THE COURT:

/S/WENDY BEETLESTONE, J.

WENDY BEETLESTONE, J.